

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL WAYNE MAYO (12),

Defendant.

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CIVIL ACTION NO. 4:04-CR-185-RAS-
DDB

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 8, 2015, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Tracey Batson.

On October 25, 2005, Defendant was sentenced by the Honorable Richard A. Schell to one hundred twenty-five (125) months followed by five (5) years of supervised release for the offense of Conspiracy to Manufacture, Distribute, or Possess with the Intent to Manufacture, Distribute, or Dispense Methamphetamine. On September 20, 2013, Defendant completed his period of imprisonment and began service of his supervised term.

On June 9, 2015, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 554]. The Petition asserted that Defendant violated the following mandatory conditions: (1) the Defendant shall refrain from any unlawful use of a controlled substance; (2) the Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia

related to any controlled substance, except as prescribed by a physician; and (3) the Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following acts: (1) On February 4 and 6, 2015, and May 27, 2015, Defendant submitted urine specimens at the U.S. Probation Office which tested positive for methamphetamine; (2) Defendant admitted in writing to using methamphetamine; (3) Defendant failed to submit a random drug test at Heritage Park Plus, in Sherman, Texas on March 13, and May 21, 2015; and (4) Defendant failed to attend substance abuse counseling at Pillar Counseling on February 18, and May 8, 2015.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations one and two, and the third allegation was withdrawn by the Government. Having considered the Petition and the plea of true to the first and second allegations, the Court finds that Defendant was in possession of methamphetamine and has violated the terms of his supervised release. The Court recommends that his supervised release be revoked.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no supervised release to follow. The Court also recommends that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

SIGNED this 14th day of July, 2015.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE